

**CURRENT LISTING OF PENDING CLAIMS**

The pending claims are set forth below:

1. (Previously Amended) A pharmaceutical composition for application at a biodegradable plate-containing site requiring new bone or cartilage formation in a subject, comprising a plurality of bone marrow stromal cells (MSCs) and a pharmaceutically acceptable polymer,

wherein the MSCs are isolated from the subject, are transduced *in vitro* after isolation from the subject with a replication-deficient viral vector comprising a DNA sequence encoding BMP-2 operably linked to a promoter, and are applied at the biodegradable plate-containing site.

2. (Original) The composition as recited in Claim 1 wherein the polymer is selected from a group consisting of alginate and collagen.

3. (Original) The composition as recited in Claim 1 wherein the MSCs are present in a concentration of about  $50 \times 10^6$  per ml of the polymer.

4. (Previously Amended) The composition as recited in Claim 1 wherein the polymer is collagen type I.

5. (Previously Amended) A method of enhancing new bone or cartilage formation in a subject, comprising:

a. obtaining a plurality of bone marrow stromal cells (MSCs) from the subject;

b. transducing the MSCs of step a) with a replication-deficient viral vector comprising a DNA sequence encoding BMP-2 operably linked to a promoter to generate BMP-2 protein producing MSCs;

c. applying a biodegradable plate to a site requiring new bone or cartilage formation on the subject; and

d. applying a composition comprising the BMP-2 protein producing MSCs and a pharmaceutically acceptable polymer to the site,

such that new bone or cartilage formation is enhanced.

6. (Previously Amended) The method as recited in Claim 5 wherein the replication-deficient viral vector is an adenovirus.

7. (Cancelled)

8. (Previously Amended) The method as recited in Claim 5 wherein the protein producing MSCs are topically applied in a concentration of about  $50 \times 10^6$  per ml of a pharmaceutically acceptable polymer and produce an effective amount of the protein.

9. (Cancelled)

10. (Cancelled)

11. (Previously Added) The composition of claim 1 wherein the composition is a gel.

12. (Previously Added) The method of claim 5 wherein the composition is a gel.

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13. (Previously Added) The composition of claim 1 wherein the biodegradable plate comprises poly(lactic acid) (PLLA).

14. (Previously Added) The method of claim 5 wherein the biodegradable plate comprises poly(lactic acid) (PLLA).